

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-8 are pending in this application, and Claims 1 and 5-7 are amended by the present amendment. Support for the amended claims can be found in the original specification, claims and drawings.¹ No new matter is presented.

In the outstanding Office Action, Claim 6 was rejected under 35 U.S.C. § 101; Claim 5 was rejected under 35 U.S.C. § 112, second paragraph; and Claims 1-8 were rejected under 35 U.S.C. § 102(e) over U.S. Patent 6,230,205 to Garrity et al. (hereinafter Garrity).

Regarding the rejection of Claim 6 under 35 U.S.C. § 101 as directed to non-statutory subject matter, Claim 6 is amended to recite “a computer-readable medium storing a program to be executed by a reservation control apparatus...” as recommended in the outstanding Official Action. Accordingly, Applicants respectfully request that the rejection of Claim 6 under 35 U.S.C. § 101 be withdrawn.

Claim 5 was rejected under 35 U.S.C. § 112, second paragraph, for failing to have antecedent basis for the claimed feature of “said content receivers.” In response, Claim 5 is amended to recite “said client terminal apparatus”, and Applicants note that this phrase is intended to include the client terminal apparatuses (107) that receive the live distributions from the distribution server.

Accordingly, Applicants respectfully request that the rejection of Claim 5 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claims 1-8 were rejected under 35 U.S.C. § 102(e) as anticipated by Garrity. Applicants respectfully traverse this rejection as independent Claims 1 and 5-8 recite novel features clearly not taught or rendered obvious by the applied references.

¹ E.g., specification, pp. 48-51.

Independent Claim 1 relates to a method of reserving and accessing resources in a distribution server. As depicted in an exemplary, non-limiting embodiment at Fig. 1, and the flowcharts of Figs. 21, 25 and 37, a user terminal apparatus (e.g., user PC 106) transmits a reservation request, including restriction information, to distribute contents using a distribution server to a reservation control apparatus (e.g., server reservation control center 101). When the reservation is accepted, the user terminal apparatus transmits content to the distribution server via the network for subsequent distribution. When a client terminal apparatus requests the distribution server to distribute contents via the network, the distribution server judges whether the request should be accepted based on the restriction information associated with the content. If the distribution is authorized, the content is transmitted from the distribution terminal apparatus to the client terminal apparatus via the network.

Specifically, amended Claim 1, recites, *inter alia* a content distribution method, comprising:

...sending by the distributor terminal apparatus
reservation request information including... ***restriction
information on restrictions of the client terminal apparatus
from said distributor terminal apparatus to said reservation
control apparatus via the network...***
a judging step of judging... whether the distribution
request of said client terminal apparatus should be accepted or
not based on said restriction information...

Independent Claims 5-8, while directed to alternative embodiments, recite substantially similar features directed to the “restriction” feature emphasized above. Specifically, Claims 7 and 8 recite that the distributor terminal apparatus associates a “disclosure level” with the content, and that access to the content is controlled based on this “disclosure level.” Accordingly, the remarks presented below are applicable to each of independent Claims 1 and 5-8.

As disclosed in an exemplary embodiment at Fig. 22 and pp. 48-51 of the specification, the distributor terminal apparatus is capable of setting restriction information for the content that controls access to the content from the client terminal apparatus. As noted at p. 49, the distributor terminal apparatus may set the restriction level to “Public”, “Password” or “Secret”, which represent increasing levels of security to access the content from the distribution server.

Turning to the applied reference, Garrity describes method for managing the delivery of data in a communication system. Specifically, Garrity describes that a plurality of content providers (102, 104, 104) transmit data, or content, to target users (108-134) via an operations center (136).² In Garrity, the operations center (136) functions as the scheduler (210), video server (208) and gateway to send data from the content providers to the target users.³

Garrity, however, fails to teach or suggest “sending by the distributor terminal apparatus reservation request information including... *restriction information on restrictions of the client terminal apparatus from said distributor terminal apparatus to said reservation control apparatus via the network,*” as recited in amended independent Claim 1.

In addressing the above noted claimed feature, the Official Action relies on col. 8, lines 30-48 of Garrity. This cited portions of Garrity describes that reception of data from the content providers (CP) is controlled by a plurality of controllers (512, 514, 516), respectively. These controllers control access to the system by determining if a CP is authorized to send data to the system (500). A controller (518) is also provided, which interfaces with a subscription engine (506) to order content from the system (500).

Thus, Garrity describes the use of respective controllers to control access to the system (500) from each of a CP side and a consumer client terminal side. Garrity, however,

² Garrity, Fig. 1, and col. 3, lines 33-50.

³ Id., col. 3, line 58-col. 4, line 13.

fails to teach or suggest that the CP sends reservation request information which includes ***“restriction information on restrictions of the client terminal apparatus...”*** Specifically, Garrity fails to teach or suggest that the CP sends restriction information regarding which “users” (108-134) are capable of receiving content transmitted from the CP to the operations center (136), whatsoever.

In addressing the above noted feature, the Official Action also cites col. 9, lines 20-44 of Garrity. However, this cited portion of Garrity, with reference to Fig. 6, describes a user interface for the CP which allows a user of the CP to add and/or modify various parameters related to content transmitted to the operations center (136). The parameters include whether the content should be recorded, whether the content is encrypted, etc. None of the options presented in the user interface, however, relate to ***“restriction information on restrictions of the client terminal apparatus...”*** While, Garrity does describe entering information related to the content itself (e.g., bandwidth requirements, encryption, recording...), none of these parameters are restrictions of the users (108-134) that will be accessing the contents.

Moreover, Garrity further fails to teach or suggest ***“judging... whether the distribution request of said client terminal apparatus should be accepted or not based on said restriction information”*** received from the distributor terminal apparatus.

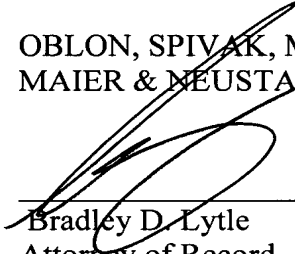
Accordingly, Applicants respectfully request that the rejection of Claim 1 (and Claims 2-4, which depend therefrom) under 35 U.S.C. § 102(e) be withdrawn. For substantially similar reasons, it is also submitted that independent Claims 5-8 also patentably define over Garrity.

Application No. 10/089,085
Reply to Office Action of January 30, 2007

In view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Andrew T. Harry
Registration No. 56,959

I:\ATTY\ATH\PROSECUTION\22'S\220709US\220709US - AMENDMENT 05302007.DOC